

PROPOSED WRITTEN STIPULATION BY THE PLAINTIFF  
IN CLERKS OFFICE

FILE # 04-CV- 11959-NG

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FLAVIA BENITEZ  
PLAINTIFF

PRO-SE

U.S. DISTRICT COURT  
DISTRICT OF MASS.

VS

SODEXHO -MARRIOTT  
DEFENDANT (S)

COOLEY MANION JONES

WRITTEN STIPULATION AND PROCEDURES PROVIDED BY RULES AND OTHER METHODS OF DISCOVERING, TIME AND PLACE FOR TAKING THE DEPOSITION AND NAME AND ADDRESS OF EACH PERSON TO BE EXAMINED SUBMITTED BY THE PLAINTIFF.

ON MAY 22, 2006 FLAVIA BENITEZ FILED A PROTECTIVE ORDER MOTION BECAUSE SHE BELIVES THAT THE TIME FOR TAKING A DISPOSITION IS IMPROPER AND UNREASONABLE . A PROTECTIVE ORDER WAS MADE UNDER MASS CIVIL RULE 26 (c) THIS RULE PROTECT DEPONENT FROM ANNOYANCE , EMBARRASSMENT , OPPRESION AND UNDUE BURDEN OR EXPENSES. THAT IS TAX-PAYERS MONEY AND WASTING TIME.

FLAVIA BENITEZ RESPECTFULLY REQUEST :

- 1- THAT THE DISCOVERY NOT TO BE HAD OR BASIS ON EVIDENCE.
- 2- THAT THE DISCOVERY MAY BE HAD ONLY ON SPECIFIED TERMS AND CONDITIONS ,INCLUDING THE DESIGNATION OF THE TIME AND PLACE.
- 3- THAT THE DISCOVERY MAY BE ONLY HAD THE METHODS OF DISCOVERY OTHER THAN THAT SELECTED BY THE PARTY SEEKING DISCOVERY NOT FOR IMPEACHMENT AND ANNOYANCE.
- 4- THAT CERTAIN MATTERS NOT REQUIRED INTO OR THAT THE SCOPE OF THE DISCOVERY BE LIMITED TO CERTAIN MATTERS : PRESENCE OF EVIDENCE AND ABSENSE OF EVIDENCE
- 5- THAT DISCOVERY BE CONDUCTED WITH NO ONE PRESENT EXCEPT PERSONS DESIGNATED BY THE COURT,

6- THAT A DISPOSITION AFTER BEING SEALED TO BE OPEN ONLY BY A COURT ORDER AND NOTICE TO BOTH PARTIES.

7- THAT THE PARTIES SIMULTANEOUSLY FILE THE REQUIRE DOCUMENTS OR INFORMATION SUPPORTING THE CASE OR ON THE OTHE HAND , WEAKING THE CASE . INFORMATION MUST BE IN SEALED ENVELOPES TO BE OPENED AS DIRECTED BY THE COURT AND NOTICE OF BOTH PARTIES.

8- THE METHODS OF DISCOVERY MAY BE USED IN ANY SEQUENCE AND THE FACTS THAT A PARTY IS CONDUCTING DISCOVERY OR DEPOSITION SHALL NOT OPERATE TO DELAY ANY PARTY 'S DISCOVERY.

9-THE PERSON BEFORE WHOM THE DEPOSITION SHALL BE TAKEN , THE MANNER OF RECORDING , PRESERVING AND FILING THE DEPOSITION IN A SEALED ENVELOPE AND MAY INCLUDE OTHER PROVISIONS TO INSURE THAT THE RECORDED TESTIMONY WILL BE ACCURATE AND TRUSTWORTHY.

10- THE DEPONENT APPLY FOR RULE 30 (a) (b)(1)(.6) .

11-IF A DEPONENT FEELS THAT A DEPOSITION IS BEING CONDUCTED IN BAD FAITH OR SUCH MANNERS UNREASONABLY ANNOYING , EMBARRASS OR OPPRESS THE DEPONENT THE EXAMINATION WILL CEASE FROM TAKING THE DEPOSITION AS PROVIDED IN RULE 26 (c) THE DEPOSITION WILL CEASE FOR THE TIME NECESSARY TO MAKE A MOTION ORDER. MOTION ORDER IS GOVERNED BY RULE 37 (a) (4) (1) .

12- THE DEPOSITION TO BE USED AS PERMITTED BY FEDERAL RULE OF EVIDENCE RULE 80 (1) TO PROVE THE TRUTH OF THE MATTERS ASSERTED . ON THE CONTRARY , A DISPOSITION FOR MERELY USE TO IMPEACH THE DEPONENT OR CONTRADICT THE TESTIMONY AND THE CREDIBILITY OF THE WITNESS OR TO DESGASTE EMOTIONALLY, PHYSICALLY THE WITNESS AND WASTE THE TAX-PAYERS MONEY AND THE TIME OF THE OPPONENT.

13- WRITTEN STIPULATION WILL BE SERVED OFR EACH PART .

14- EACH PARTY WRITTEN INTERROGATORRIES WILL BE SERVED. UNDER FEDERAL RULE 32 (d) (3) (b) (1) (2) (4) (c)

15- EACH PART ADOPT RULE 26 (b) (a) (1) TO ANSWER AND COMPLY WITH RULE 37 (c) (a) (3) (1) (2) (b) . WITH AFFIDAVITS PRESENTED BY A RESPECTIVE PARTY SIGNED ON OATH RELATING THE EVENTS

AND EACH PARTY STATEMENT 'S POSITION ABOUT THE FACTS AND POSSIBLE EVIDENCE THAT SUPPORT EACH FACTS OR EVENTS AND DEMONSTRATIVE EVIDENCE AS RULE M.G.L.A. (c) 233 AND MASS CIVIL RULE 4.1 (c).

16- MOTION TO ALLOW THE DEPOSITION INTO EVIDENSE AND WRITTEN ANSWERS AS AFFIDAVITS SWORN ON PENALTIES OF PERJURIES . CERTIFIED AND FILE SEALED.

MAY 31, 2006

RESPECTFULLY SUBMITTED  
FLAVIA BENITEZ  
*Flavia Benitez*  
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